

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Katherine O'Connor	Team: Team # 1	CCRB Case #: 200508125	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 07/14/2005 6:00 PM, Friday, 07/15/2005 , Sunday, 07/17/2005	Location of Incident: Pitkin Avenue & Rockaway Avenue	Precinct: 73	18 Mo. SOL 1/14/2007	EO SOL 1/14/2007	
Date/Time CV Reported Mon, 07/18/2005 11:40 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 07/18/2005 11:40 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Roy Bocina	00579	917315	NARCBBN
2. POM Christop Castle	05317	928041	NARCBBN

Officer(s)	Allegation	Investigator Recommendation
A.POM Christop Castle	Abuse: PO Christopher Castle stopped and questioned § 87(2)(b)	
B.POM Christop Castle	Abuse: PO Christopher Castle drew his gun.	
C.SGT Roy Bocina	Abuse: Sgt. Roy Bocina stopped and questioned § 87(2)(b)	
D.SGT Roy Bocina	Discourtesy: Sgt. Roy Bocina spoke obscenely and/or rudely to § 87(2)(b)	
E.POM Christop Castle	Abuse: PO Christopher Castle searched § 87(2)(b)	
F.SGT Roy Bocina	Abuse: Sgt. Roy Bocina searched § 87(2)(b)	
G.POM Christop Castle	Discourtesy: PO Christopher Castle spoke obscenely and/or rudely to § 87(2)(b)	
H.POM Christop Castle	Force: PO Christopher Castle used physical force against § 87(2)(b)	
I.POM Christop Castle	Abuse: PO Christopher Castle threatened to arrest § 87(2)(b)	
J.POM Christop Castle	Abuse: PO Christopher Castle refused to provide his name and shield number to § 87(2)(b)	
K.SGT Roy Bocina	Abuse: Sgt. Roy Bocina refused to provide his name and shield number to § 87(2)(b)	

Synopsis

On July 14, 2005, § 87(2)(b) left his son's residence at § 87(2)(b) in Brooklyn and began to walk down Pitkin Avenue. After stopping at a store to buy food, he proceeded toward the intersection of Pitkin Avenue and Rockaway Avenue. He was riding a bike in the street at the time, and as he approached the intersection, a gray SUV pulled in front of him, cutting him off. § 87(2)(b) rode up onto the sidewalk to avoid the vehicle, and got off his bike. As he did, he saw the passenger of the SUV (PO Christopher Castle of the Brooklyn North Narcotics Division) emerge and begin to walk toward him with his gun drawn [Allegation A and Allegation B]. PO Castle asked § 87(2)(b) where he was going, and § 87(2)(b) responded that he was on his way home from his son's house. PO Castle explained that he had stopped § 87(2)(b) because he had seen him pass something to another individual. § 87(2)(b) insisted that he had never passed anything to anybody. A second officer (Sgt. Roy Bocina of the Brooklyn North Narcotic's Division), the one who had been driving the car, soon approached § 87(2)(b) [Allegation C], and told him he had gotten out of the car because § 87(2)(b) was acting like an "asshole" [Allegation D]. PO Castle then proceeded to frisk and search § 87(2)(b) reaching into his pockets and socks [Allegation E]. As PO Castle did this, Sgt. Bocina took § 87(2)(b)'s bike, examined it, and looked under the ripped seat cover [Allegation F]. While the search was in progress, PO Castle told § 87(2)(b) that he had a "fucked up mouth" [Allegation G]. The officers finished searching § 87(2)(b) and his bike, and § 87(2)(b) walked toward Sgt. Bocina to retrieve his wallet, which he had given to him voluntarily. PO Castle grabbed § 87(2)(b) by his arm, pulled him back, and told him that they were not finished with him [Allegation H]. Eventually, Sgt. Bocina returned § 87(2)(b)'s wallet. PO Castle told § 87(2)(b) that he could be arrested for riding his bike on the sidewalk. When § 87(2)(b) explained that he had only ridden up on the sidewalk to avoid being hit by their car, PO Castle told him he could be arrested for acting like a "tough guy" [Allegation I]. Before the officers left the scene, § 87(2)(b) asked both for their names and shield numbers. PO Castle told him to go to the 73rd Precinct to find out who they were—neither officer provided their identification to § 87(2)(b) [Allegation J and Allegation K].

Investigator Lonnie Klein interviewed § 87(2)(b) on August 25, 2005. The case was then reassigned to Investigator Katherine O'Connor on September 15, 2005. Investigator O'Connor called § 87(2)(b) for a phone statement on October 12, 2005. It is undisputed that PO Castle and Sgt. Bocina stopped, questioned and frisked § 87(2)(b) on July 14, 2005. § 87(2)(g)

[REDACTED]

Summary of Complaint

On July 18, 2005, § 87(2)(b) called the CCRB (encl. 4a-b) to file a complaint against two unidentified police officers (identified through investigation as PO Christopher Castle and Sgt. Roy Bocina, both of the Brooklyn North Narcotics Division). He stated that on July 15, 2005 at approximately 4:30pm, he was stopped and questioned by PO Castle and Sgt. Bocina in the vicinity of Pitkin Avenue and Rockaway Avenue in Brooklyn (it was later determined that the incident occurred on July 14, 2005 at approximately 4:20pm). During the street encounter, he and his bike were searched. PO Castle drew his gun, cursed at § 87(2)(b) and later grabbed him by the arm and pulled him. PO Castle threatened to

arrest § 87(2)(b) for riding his bike on the sidewalk, and for acting like a “tough guy.” Neither officer provided their names or shield numbers when § 87(2)(b) asked for them.

§ 87(2)(b) was interviewed by Investigator Lonnie Klein at the CCRB on August 25, 2005 (encl. 5a-d). He was contacted and interviewed over the phone by Investigator Katherine O’Connor on October 12, 2005 (encl. 6a-b). § 87(2)(b) is a § 87(2)(b)-old black male who lives at § 87(2)(b). He provided the following statement to the CCRB:

On July 15, 2005 between 5:00pm and 6:30pm, § 87(2)(b) was leaving the Howard Houses development where his son lives, located in the vicinity of Glenmore Avenue and East New York Avenue. (It was later determined through the investigation that the date of the incident was July 14, 2005, and the time was approximately 4:20pm). He had his son’s purple Diamondback bike with him, and he began to walk with the bike about a block and a half toward a convenience store on Pitkin Avenue. He went into the store, bought some food, and left about a minute and a half later (in his phone statement, § 87(2)(b) stated that he was in the store for about four to five minutes). When he left the store, he got on the bike he had with him, and rode down Pitkin Avenue toward Rockaway Avenue. He soon came to a red light at the intersection of Pitkin Avenue and Rockaway Avenue § 87(2)(b) later revised this location, and stated that the red light was at the intersection of Pitkin Avenue and Thatford Avenue). As he was approaching the light, a gray SUV that was stopped at the intersection pulled out of the line of cars such that it’s nose cut § 87(2)(b) off. He swerved on his bike to avoid the vehicle, and rode up on the sidewalk.

§ 87(2)(b) got off his bike and turned to face the SUV, and as he did so, he saw an officer (identified through investigation as PO Christopher Castle of Brooklyn North Narcotics) emerging from the passenger side of the vehicle. PO Castle asked § 87(2)(b) “Where the fuck are you going?” He walked toward § 87(2)(b) with his gun drawn but not pointed at § 87(2)(b). § 87(2)(b) mentioned this in his phone statement. During his CCRB intake statement, § 87(2)(b) said that PO Castle pointed his gun at him. He did not mention PO Castle having a gun during his interview). § 87(2)(b) explained that he was coming from seeing his son in the Howard Houses. At this, PO Castle told § 87(2)(b) that he and his partner (identified through investigation as Sgt. Roy Bocina of Brooklyn North Narcotics) had been observing him, and had seen him pass something to another individual. § 87(2)(b) denied that he did this, and PO Castle asked him what he had in his bag. § 87(2)(b) passed PO Castle the bag, and PO Castle proceeded to search it. When he finished, PO Castle asked § 87(2)(b) for identification, so § 87(2)(b) handed him his Medicaid card. PO Castle then instructed § 87(2)(b) to place his hands on a nearby parked car. At some point during this interaction, Sgt. Bocina parked the gray SUV, exited, and approached PO Castle and § 87(2)(b). Sgt. Bocina told § 87(2)(b) that he had gotten out of the car because he was being “an asshole.” § 87(2)(b) did not mention Sgt. Bocina ever saying this during his phone interview).

PO Castle proceeded to frisk and search § 87(2)(b). He placed his gun back in its holster, reached into § 87(2)(b)’s pockets, and lifted up § 87(2)(b)’s jersey. § 87(2)(b) then reached into his own pocket to retrieve his wallet, and handed it over to Sgt. Bocina, who looked through it. Sgt. Bocina asked § 87(2)(b) why he was acting upset, and § 87(2)(b) replied that it was because he had been accused of doing something he didn’t do. At this, PO Castle told § 87(2)(b) that he had a “really fucked up mouth.” PO Castle then lifted § 87(2)(b)’s pant legs up and reached into his socks. (During his CCRB intake statement, he stated that Sgt. Bocina was the officer who searched his socks, and made no mention of PO Castle ever doing this). The entire search lasted approximately one and a half minutes, and PO Castle did not recover anything other than the wallet. After Sgt. Bocina finished going through § 87(2)(b)’s wallet, he began to examine the bike. He shook the bike and looked under the ripped seat cover. He also removed a pair of grip pliers from the back of the bike, dropped them on the ground, and asked § 87(2)(b) what they were for. § 87(2)(b) replied that they were used to repair the bike, which was in relatively poor condition. § 87(2)(b) repeated that he had never passed anything to anybody and that he had nothing illegal on his person or bike. Sgt. Bocina told § 87(2)(b) to calm down, and asked him why he was acting hostile. (During his interview statement, § 87(2)(b) said that after the officers had finished searching him and did not recover anything, PO Castle said, “You probably stashed it in your ass”).

§ 87(2)(b) then approached Sgt. Bocina so that he could get his wallet back from him. As he did so, PO Castle grabbed him by the right arm and asked him where he was going. § 87(2)(b) replied that he was trying to get his wallet back, and PO Castle pulled him back, telling him that they were not yet finished (in his initial intake statement and interview statement, § 87(2)(b) stated that PO Castle also pushed him

against a parked car with his forearm. He did not mention this in his phone statement). PO Castle told § 87(2)(b) that he could be arrested for riding his bike on the sidewalk and for riding without a helmet or kneepads. § 87(2)(b) explained that he was old enough to not have to wear protective gear, and that the only reason he had been riding on the sidewalk was because the officers' SUV had cut him off. One of the officers § 87(2)(b) did not recall which one) said, "It's your word against ours," to which § 87(2)(b) replied, "Fuck you."

As § 87(2)(b) was speaking to PO Castle and Sgt. Bocina, a dark, unmarked police sedan arrived on the scene with two plainclothes officers. One of the officers exited the vehicle and approached Sgt. Bocina and PO Castle to ask if they needed any assistance. § 87(2)(b) could not understand the majority of the conversation because the officers used terminology that he did not comprehend. After approximately one minute, the officer unidentified officer returned to his vehicle and drove away. Sgt. Bocina then returned § 87(2)(b)'s wallet and told him to have a nice day. § 87(2)(b) told the officers that they had ruined his day, and PO Castle told him to "stop being a tough guy before you get taken in." § 87(2)(b) told the officers that he had never gotten their shield numbers, so PO Castle told § 87(2)(b) that if he wanted to get their shield numbers, he should "go to the precinct." (In his interview statement, § 87(2)(b) stated that when he asked the officers what precinct they were from, PO Castle said, "You'll never find out. You'll never know.") § 87(2)(b) then got back onto his bike and rode to the 73rd Precinct, where he was given the phone number for the CCRB.

In his telephone statement, § 87(2)(b) stated that since the date of the incident, he has seen the gray SUV that stopped him again. He stated that he was certain it was the same vehicle because not only was it a gray SUV, but it had the same damaged right tail light as the vehicle that stopped him § 87(2)(b) did not mention the right tail light of the gray SUV being damaged during his interview). § 87(2)(b) stated that the car was a dark gray Dodge Durango with the license plate number § 87(2)(e), § 87(2)(b).

§ 87(2)(b) was presented with three photo arrays containing photographs of Sgt. Bocina, PO Castle and Det. Carlos Naranjo (of Brooklyn North Narcotics) on November 9, 2005 (encl. 7a-f, 221). The first array contained a photo of Sgt. Bocina. § 87(2)(b) stated that he did not recognize any of the officers in this array. The second contained a picture of Det. Naranjo. Again, § 87(2)(b) stated that he did not recognize any of the officers in the array. The final array contained a picture of PO Castle. § 87(2)(b) stated that PO Castle's "hair [was] same as [the] passenger" in the gray SUV, but did not identify him as one of the officers who stopped him. He did not recognize any of the other officers in the array containing PO Castle's photograph.

Results of Investigation

PO Christopher Castle, Brooklyn North Narcotics Division

According to the **stop, question and frisk report** (encl. 12) completed on July 14, 2005 at 5:30pm, PO Christopher Castle observed § 87(2)(b) on the street in the vicinity of Pitkin Avenue and Thatford Avenue in Brooklyn. He was suspected of "CPW" (criminal possession of a weapon). § 87(2)(b) was observed for two minutes prior to the stop, during which time PO Castle observed a suspicious bulge in § 87(2)(b)'s waistband, as well as furtive movements. § 87(2)(b) was stopped, questioned and frisked. The reasons for the frisk (as noted on the report) were § 87(2)(b)'s furtive movements, refusal to comply with officer's direction(s) leading to reasonable fear for safety, and because a violent crime was suspected. § 87(2)(b) was not searched, and no weapon or other contraband was found. He was not arrested or issued any summonses. Additional circumstances leading to the stop, question and frisk were that § 87(2)(b) was observed in an area with a high incidence of the crime for which he was suspected, and § 87(2)(b)'s giving evasive, false or inconsistent responses to officer's questions. Sgt. Bocina reviewed and signed the report.

PO Castle was interviewed twice at the CCRB. The first interview was conducted on November 15, 2005 (encl. 14a-b). On July 15, 2005, PO Castle worked from 5:33pm to 2:00am on July 16, 2005 with Sgt. Bocina and PO Hackett. He was in plainclothes and was assigned to RMP # § 87(2)(b). Based on the statement given during this interview and the supporting memo book entries, PO Castle was on "investigative duty" at the stationhouse until 8:00pm. He did not leave the station prior to 8:00pm, § 87(2)(g).

Upon receipt of the stop, question and frisk report completed by PO Castle, it was determined that the date of incident was actually July 14, 2005, not July 15, 2005, as § 87(2)(b) reported. After this

document was received, PO Castle was interviewed a second time on January 13, 2006 (encl. 15a-b). On July 14, 2005, PO Castle worked from 1:33pm to 10:00pm. He was assigned as the arresting officer with his field team and was assigned to RMP #§ 87(2)(b) which he described as a gray Dodge Durango. He was in plainclothes and was working with Sgt. Bocina. He provided the following statement:

PO Castle confirmed that he had completed the stop, question and frisk report for § 87(2)(b). He confirmed that date on the report was July 14, 2005, and that the time written on the report was 5:30pm. At approximately 4:20pm on July 14, 2005, PO Castle was conducting enforcement and observations in the vicinity of Pitkin Avenue and Rockaway Avenue in Brooklyn. He made one arrest in this area at 5:20pm. He could not recall the arrested person's name or whether they were male or female. Prior to the arrest, he had been making observations. With the exception of the civilian who he placed under arrest, PO Castle could not recall coming into contact with any other civilians while in the vicinity of Pitkin and Rockaway Avenues. He did not recall coming into verbal or physical contact with any individual named § 87(2)(b) at any time, nor did he recall ever encountering any individual who had a bike with them. After the investigator provided PO Castle with a physical description of § 87(2)(b), PO Castle stated that he did not recall ever coming into contact with any civilian who fit that description. PO Castle did not recall coming in contact with any individual who he observed exiting a store, nor did he recall ever making any observations of or near a store. He did not recall stopping, questioning or frisking any civilians in the vicinity of Pitkin and Rockaway Avenues, and he did not recall Sgt. Bocina ever doing so either. He did not observe any hand to hand transactions while he was on duty that day. He did not recall any individual asking him for his name or shield number. He did not observe any officer using physical force while in the vicinity, and he did not ever draw his gun. He did not recall ever calling for backup or coming into contact with other police officers while in the area of Pitkin and Rockaway Avenue. He did not recall cutting off any civilian on a bike while operating the vehicle he was assigned to that day. He did not ever recall telling anyone they could be arrested, nor did he ever use physical contact to instruct any civilian to follow police instructions. After he left the vicinity of Pitkin Avenue and Rockaway Avenue at approximately 5:25pm, he responded to 209 Grafton Avenue.

Sgt. Roy Bocina, Brooklyn North Narcotics Division

Sgt. Bocina was first interviewed at CCRB on November 10, 2005 (encl. 9a-b). On July 15, 2005, he worked from 5:25pm to 2:00am on July 16, 2005, conducting street-level drug enforcement in the 73rd Precinct. He was in plainclothes and was working with a 7-person field team and was assigned to RMP # § 87(2)(b) a gray Dodge Durango with PO Castle and PO Hackett. For the first two and a half hours of his tour, Sgt. Bocina was assigned to "administrative duty," and he did not leave the stationhouse until 8:00pm that day. Because of this factor, it was determined that he did not interact with § 87(2)(b) that day.

After the stop, question and frisk report (encl. 12) was returned to the CCRB and the date of incident was determined to be July 14, 2005, Sgt. Bocina was called back to the CCRB for a second interview on January 17, 2006 (encl. 11a-b). On July 14, 2005, Sgt. Bocina worked with PO Castle from 1:25pm to 10:00pm conducting narcotics enforcement. He was in plainclothes and was assigned to RMP #§ 87(2)(b). He provided the similar testimony to PO Castle with the following exceptions:

On July 14, 2005, Sgt. Bocina was in the vicinity of Pitkin Avenue and Rockaway Avenue from approximately 4:15pm to 5:15pm. He had been conducting enforcement in the area surrounding the Howard Houses development, and had been looking into an address in that location. After Sgt. Bocina was able to refer to the stop, question and frisk report (completed by PO Castle on July 14, 2005 at 5:30pm), he stated that he remembered the encounter he had with § 87(2)(b) on that date. Sgt. Bocina explained that while he was observing the area surrounding the Howard Houses, § 87(2)(b) came into view. Sgt. Bocina could not recall exactly where he first observed § 87(2)(b), nor could he recall what § 87(2)(b) was doing when he first saw him. He saw that § 87(2)(b) had a bulge in his waistband area. After observing him for one to two minutes, Sgt. Bocina and PO Castle stopped § 87(2)(b). Sgt. Bocina could not recall how they stopped § 87(2)(b), nor did he recall what § 87(2)(b) did or said after he was instructed to stop. He did not recall what he or PO Castle said to § 87(2)(b) when they stopped him. After they stopped § 87(2)(b), PO Castle performed a frisk of his person, and it was determined that he did not have any weapon on him. Sgt. Bocina did not recall what the bulge in § 87(2)(b)'s waist area was, and he did not know if anything was recovered from § 87(2)(b) during or after the frisk. Following the frisk, § 87(2)(b)

§ 87(2)(b) provided his name verbally, but refused to provide his date of birth and telephone number. Sgt. Bocina could not recall if § 87(2)(b) provided any form of identification card. § 87(2)(b) was never searched by either officer. Neither Sgt. Bocina nor PO Castle ever used profanity at the time of the incident. Sgt. Bocina did not recall if § 87(2)(b) refused to comply with his or PO Castle's instructions, nor did he recall § 87(2)(b) demonstrating any furtive movements or changing direction when he saw either officer (as was noted on the stop, question and frisk report). Sgt. Bocina did not recall § 87(2)(b) giving "false or evasive answers," which was listed on the report. At the conclusion of the stop, § 87(2)(b) was agitated. At 6:00pm, Sgt. Bocina left the vicinity of Pitkin Avenue and Rockaway Avenue and responded to 209 Grafton Avenue.

Det. Carlos Naranjo, Brooklyn North Narcotics Division

Det. Naranjo was interviewed at the CCRB on November 17, 2005 (encl. 17a-b). He stated during his interview that he was inside the Brooklyn North Narcotics base stationhouse until 8:00pm on July 15, 2005. Prior to 8:00pm, Det. Naranjo did not leave the stationhouse. § 87(2)(g)

Based on the stop, question and frisk report, which was completed on July 14, 2005, it was determined that the date reported by § 87(2)(b) was incorrect, and according to PO Castle and Sgt. Bocina, Det. Naranjo was not with them when the stop was conducted. § 87(2)(g)

Police Documents

The **vehicle information** (encl. 18) provided by the Brooklyn North Narcotics Division lists four gray SUVs assigned to their command. One of the vehicles listed is a gray Dodge Durango with license plate number § 87(2)(e), § 87(2)(b). There are no green or black Chevrolet Impalas assigned to the command. Before the correct date of incident was determined, the **tactical plan** (encl. 19) was ordered from the Brooklyn North Narcotics Division. According to the 5:45pm to 2:00am tour tactical plan for July 15, 2005, Sgt. Bocina, Det. Naranjo and PO Castle were assigned to RMP #§ 87(2)(b) a gray Dodge Durango. § 87(2)(g)

Management Information Systems Division (MISD) (encl. 20) indicates that there were no local warrant checks completed for § 87(2)(b) during the period from July 10, 2005 to July 21, 2005. Similarly, the **New York State Police** (encl. 21a-d) have no record of a warrant or license checks being performed for § 87(2)(b) in July 2005.

Civilian Record of Criminal Convictions

An arrest history request (encl. 24kk) for § 87(2)(b) was placed with the Monitoring Analysis Section on January 11, 2006, and is still pending at this time.

Civilian and Officer CCRB History

In addition to the present case, § 87(2)(b) has filed one additional complaint with CCRB, § 87(2)(b). Neither PO Castle nor Sgt. Bocina have had any substantiated complaints filed against them with the CCRB (encl. 2-3). PO Castle has been a member of the NYPD for four years and Sgt. Bocina for nine years.

Conclusions and Recommendations

Officer Identification

§ 87(2)(b) was unable to identify PO Castle and Sgt. Bocina by their names or identification numbers. His physical descriptions of both PO Castle and Sgt. Bocina are consistent with their pedigree information. However, when presented with a photo array, § 87(2)(b) did not unequivocally identify either officer as one of those who stopped him during the incident in question. According to the **stop, question and frisk report**, the officer who generated the report was PO Castle, tax number 928041 (encl. 12). The CCRB's Complaint Tracking System (CTS) confirms that this tax number belongs to PO Christopher Castle of the Brooklyn North Narcotics Division. The report was reviewed by Sgt. Bocina, tax number 917315, also an officer of the Brooklyn North Narcotics Division. During his interview, PO Castle confirmed that he completed the report, though he did not recall being present at the scene of the incident. He identified his partner on July 14, 2005 as Sgt. Bocina, who did not dispute his presence at the scene.

§ 87(2)(b) alleged that two officers who fit Sgt. Bocina and PO Castle's descriptions stopped him, and allegations of abuse are being pleaded against both officers. § 87(2)(g)

PO Castle allegedly searched § 87(2)(b)'s person, and Sgt. Bocina searched certain parts of § 87(2)(b)'s bike during the interaction. § 87(2)(g)

During the stop, PO Castle allegedly grabbed § 87(2)(b) by the arm and pulled him, § 87(2)(g)

Disputed and Undisputed Facts

It is **undisputed** that § 87(2)(b) was stopped and questioned by Sgt. Bocina and PO Castle on July 14, 2005. PO Castle did not recall ever coming into verbal or physical contact with any individual named § 87(2)(b). § 87(2)(g)

Sgt. Bocina stated that he did not search § 87(2)(b)'s bike during the stop, nor did he ever use profanity toward § 87(2)(b). He also stated that § 87(2)(b) never asked either officer for their names or shield numbers, and that he never refused to provide his identification to § 87(2)(b). § 87(2)(g)

Credibility Analysis

§ 87(2)(g)

Specifically, he stated in his interview that Sgt. Bocina had called him an "asshole," but he never mentioned this happening when he made his phone statement. § 87(2)(g)

§ 87(2)(b) stated that PO Castle drew and pointed his gun at him during his intake statement. In his interview, he made no mention of PO Castle ever drawing his gun, and in his phone statement, he said the PO Castle drew his gun, but never pointed it at him. He stated in his intake statement that Sgt. Bocina searched under his pant legs and in his socks in addition to his bike, but in his interview and phone statements, he never stated that Sgt. Bocina searched his socks or participated in the frisk. § 87(2)(g)

In both his intake and interview statements, § 87(2)(b) said that PO Castle grabbed him and pushed him against a parked car with his forearm. In his phone statement, § 87(2)(b) said that PO Castle did grab him by his arm, he never said that he was pushed against a vehicle at any time. Though he stated in each part of his testimony that neither officer revealed their names or shield numbers, he said during his interview that PO Castle told him, "You'll never find out [our names or shield numbers]." He never mentioned either officer threatening to arrest him or refusing to provide their names or shield numbers during his intake statement.

§ 87(2)(g)

PO Castle and Sgt. Bocina admitted that they had signed the stop, question and frisk report. Only after examining the report did Sgt. Bocina recall what happened when § 87(2)(b) was stopped, § 87(2)(g)

Allegation A: Abuse of Authority: PO Christopher Castle stopped and questioned § 87(2)(b)

Allegation C: Abuse of Authority: Sgt. Roy Bocina stopped and questioned § 87(2)(b)

There is no dispute that PO Castle and Sgt. Bocina stopped § 87(2)(b) the stop, question and frisk report indicate that PO Castle executed a stop of § 87(2)(b) on July 14, 2005. PO Castle stated that Sgt. Bocina was present at the time of the alleged stop, and Sgt. Bocina confirms this. However, PO Castle did not recall ever coming into contact with an individual named § 87(2)(b) on the date of the incident, and was thus unable to provide reason as to why § 87(2)(b) was stopped. Sgt. Bocina only recalled general points about the interaction with § 87(2)(b) and in regards to the reason for the stop, he was only able to reiterate the points listed on the resulting report. § 87(2)(b) stated that PO Castle told him he had been stopped for engaging in a hand-to-hand transaction, but neither PO Castle nor Sgt. Bocina ever mentioned this in their statements. § 87(2)(g)

Allegation B: Abuse of Authority: PO Christopher Castle drew his gun.

Allegation H: Force: PO Christopher Castle used physical force against § 87(2)(b)

§ 87(2)(g)

§ 87(2)(b) In his intake statement, he stated that PO Castle drew and pointed his gun at him. Yet in his interview, he made no mention of PO Castle ever removing his gun from his holster. During his phone statement, he claimed that PO Castle did draw his gun, but never pointed it at him. § 87(2)(g)

§ 87(2)(b) In his intake and interview statements, § 87(2)(b) stated that PO Castle pushed him against a parked car with his forearm and told him that he was not free to leave the scene. Yet during his phone statement, § 87(2)(b) stated that while PO Castle grabbed his arm and pulled him backwards, away from Sgt. Bocina, he let go of his arm after he did this. He never stated that PO Castle pushed him against any vehicle. The only points PO Castle were able to recall during his CCRB interview were that he never drew his gun and that he never used physical force when interacting with civilians at the scene of the incident. Sgt. Bocina corroborated PO Castle's statement with regard to these assertions. § 87(2)(g)

Allegation D: Discourtesy: Sgt. Roy Bocina spoke obscenely and/or rudely to § 87(2)(b)

§ 87(2)(g)

The only time he stated that Sgt. Bocina spoke rudely toward him was during his interview, when he said Sgt. Bocina called him an "asshole." He did not mention this in his intake statement or his phone statement. Sgt. Bocina insisted that he never used profanity when speaking to § 87(2)(b) § 87(2)(g)

Allegation E: Abuse of Authority: PO Christopher Castle searched § 87(2)(b)

Allegation G: Discourtesy: PO Christopher Castle spoke obscenely and/or rudely to § 87(2)(b)

Allegation I: Abuse of Authority: PO Christopher Castle threatened to arrest § 87(2)(b)

According to PO Castle's statement, he did not recall coming into contact with any individual named § 87(2)(b) or who matched § 87(2)(b)'s physical description. Even after he reviewed the stop, question, and frisk report that he filled out for § 87(2)(b) on July 14, 2005, he was still unable to recall any specifics from this incident. As stated above, the only points he recalled from the incident were that he never used physical force and that he never drew his firearm in the presence of one or more civilians in the vicinity of Pitkin Avenue and Rockaway Avenue on July 14, 2005. § 87(2)(g)

§ 87(2)(g)

Allegation F: Abuse of Authority: Sgt. Roy Bocina searched § 87(2)(b)

§ 87(2)(g) § 87(2)(b) stated in his intake statement that Sgt. Bocina lifted up his pant legs and searched inside his socks. Yet he never mentioned this happening in either his interview or phone statements. He did, however, state that Sgt. Bocina searched under the seat cover on his bike in both his interview and phone statements. Sgt. Bocina explained that he never searched § 87(2)(b). Like PO Castle, Sgt. Bocina could not recall if § 87(2)(b) had a bike with him, and he was therefore unable to provide testimony about whether or not he ever searched § 87(2)(b)'s bike. § 87(2)(g)

Allegation J: Abuse of Authority: PO Christopher Castle refused to provide his name and shield number to § 87(2)(b)

Allegation K: Abuse of Authority: Sgt. Roy Bocina refused to provide his name and shield number to § 87(2)(b)

While § 87(2)(b) alleged that PO Castle and Sgt. Bocina refused to provide their identification, Sgt. Bocina stated that § 87(2)(b) never asked them to provide their names or shield numbers. He also stated that he never refused to provide his name or shield number to § 87(2)(b). PO Castle did not recall any verbal interaction he had with § 87(2)(b) and was therefore unable to state whether § 87(2)(b) ever asked him for his identification. He did not recall ever refusing to provide any individual with his name or shield number on the date of the incident. § 87(2)(g)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: